

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-05-00161-CV

**EMACHINES, INC., EM HOLDINGS, INC., EMPIRE ACQUISITION
CORPORATION, TRIGEM AMERICA CORPORATION, AND TRIGEM
COMPUTER, INC., Appellants**

V.

**DAVID PACKARD, PACKARD, PACKARD & LAPRAY, AND JOHN HOCK,
Appellees**

**On Appeal from the 172nd District Court
Jefferson County, Texas
Trial Cause No. E-165,336**

MEMORANDUM OPINION

On June 30, 2005, the Court abated this appeal on a suggestion of bankruptcy. *See* Tex. R. App. P. 8. On May 3, 2011, appellees filed a motion to reinstate the appeal with respect to Trigem America Corporation and a motion to dismiss Trigem America Corporation (“Trigem USA”) from the appeal and the underlying action. An order of the bankruptcy court is attached to the motion to dismiss. The order approves a settlement between the Liquidating Trustee of the TGA Liquidating Trust and Packard, Packard &

LaPray and John Hock and orders that Trigem America Corporation be dismissed from the Texas Class Action and any appeal pending therein. No other party to this appeal has filed an objection to the granting of either of the motions that have been filed with the Court of Appeals.

The appeal of Trigem America Corporation is hereby reinstated. The appeal and the cause are dismissed as to Trigem America Corporation. The appeals of the remaining appellants shall remain abated until reinstated by Order of this Court upon motion to reinstate filed by any interested party.

APPEAL DISMISSED.

STEVE McKEITHEN
Chief Justice

Opinion Delivered June 16, 2011

Before McKeithen, C.J., Kreger and Burgess¹, JJ.

¹ The Honorable Don Burgess, sitting by assignment pursuant to Tex. Gov't Code Ann. § 74.003(b) (West 2005).